

Plaintiff's Name RAGHVENDRA SINGH

Inmate No. BN1097

Address M1-147, KERN VALLEY STATE PRISON
P.O. BOX 5105, DELAND, CA 93216-6000

FILED

AUG 15 2022

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

(Name of Plaintiff)
RAGHVENDRA SINGH
VS.

(Case Number)
1:22-CV-00061-SAB
AMENDED CIVIL RIGHTS COMPLAINT UNDER:

SHUBHANGINI DEVINE
CHRISTIAN PFEFFER

☒ 42 U.S.C. 1983 (State Prisoner) + ADA CLAIM +
OTHER CLAIMS
☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes ___ No X

B. If your answer to A is yes, how many? _____

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if Federal Court, give name of District; if State Court, give name of County)

3. Docket Number _____

4. Assigned Judge _____

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

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II. Exhaustion of Administrative Remedies

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No ☐

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No ☐

C. Is the process completed?

Yes ☒

If your answer is yes, briefly explain what happened at each level.

I WAS ALLOWED TO GRIEVE RELATED ISSUES [SUCH AS TRANSFER TO SACRAMENTO, TREATMENT AT SACRAMENTO, REHABILITATION, ETC.], FOR THESE ISSUES, PROCESS IS COMPLETE, AND THESE ISSUES ~~WAS~~ WERE DENIED.

No ☐

If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name SHUBHANGINI DEVINE is employed as DOCTOR-IN-CHARGE FOR M YARD

Current Address/Place of Employment KERN VALLEY STATE PRISON, P.O. BOX 5420
CA 93216-6000 6000

B. Name CHRISTIAN ~~DE~~ PFIFFER is employed as WARDEN

Current Address/Place of Employment KERN VALLEY STATE PRISON, P.O. BOX 6000
DELAND, CA 93216-600

C. Name _____ is employed as _____

Current Address/Place of Employment _____

D. Name _____ is employed as _____

Current Address/Place of Employment _____

E. Name _____ is employed as _____

Current Address/Place of Employment _____

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

RIGHT TO MEDICAL CARE, FREEDOM FROM INFLECTION OF UNNECESSARY PAIN AND
SUFFERING, AND FREEDOM FROM INFLECTION OF PSYCHOLOGICAL, ^{MENTAL} PHYSICAL, SOCIAL
AND EMOTIONAL INJURIES

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

MY CASE IS SPECIAL BECAUSE, IN CUSTODY, I GOT COVID-19, TUBERCULOSIS AND OTHER
DISEASES MANY TIMES. COVID-19 IS NEW AND DEADLY. SO, DOCTORS DO NOT KNOW HOW
AND WHY I GOT COVID-19 MANY TIMES. ACCORDINGLY, DOCTORS EXCEPT DEFENDANT
DEVINE AND PRISON COUNSELORS TRIED TO TRANSFER ME TO SACRAMENTO
FOR MY TREATMENT FOR MY SURVIVAL BY RESEARCHERS. BUT, DEFENDANT DEVINE
KEPT ME AT DELAND, CALIFORNIA. COVID-19 CAUSED MANY PAINFUL HEALTH PROBLEMS.
DEVINE DISCONTINUED SOME MEDICINES, AND REFUSED TO PROVIDE ANY MEDICINE
TO MY HEALTH PROBLEMS. AS A RESULT, I SUFFERED FOR 3 YEARS FROM INTRACTABLE
PAIN CAUSING INTERFERENCE WITH MY DAILY ACTIVITIES.

DEFENDANT SHUBHANGINI DEVINE ("DEVINE") DISCONTINUED SOME MEDICINES, AND
REFUSED TO PROVIDE ANY MEDICINE TO MY MANY HEALTH PROBLEMS.

IN JULY, 2021, I INFORMED DEVINE VERBALLY AND IN WRITING ABOUT THESE HEALTH PROBLEMS. I AM 60 YEARS OLD DISABLE AND VERY SICK PERSON, I HAVE BREATHING PROBLEM, CANCER, NERVE AND INSTABILITY PROBLEM, BLOOD IN SPITS AND IN STOOLS, PAINFUL BODY, AND OTHER HEALTH PROBLEMS. DEVINE REFUSED TO PROVIDE ANY TREATMENT OR MEDICINE FOR THEM. DEVINE ALSO REFUSED TO PROVIDE BREATHING MACHINE, EXTRA CLOTHING FOR MEDICAL REASONS, SPECIAL DIET FOR MEDICAL REASON, SPECIALISTS, EMERGENCY SERVICES, BRACES, WHEEL CHAIR, CRUCHES, AND OTHER ITEMS ALSO MEDICALLY NEEDED. I HAD HEART ATTACKS AND BROKEN FEET. DUE TO BREATHING PROBLEM ALONE, I STRUGGLE FOR SURVIVAL EVERYDAY. DUE TO NERVE AND INSTABILITY PROBLEM, I FELL DOWN AND GET INJURIES AGAIN AND AGAIN. PRISON REGULATIONS AND HER DUTIES REQUIRE TO PROVIDE ME SPECIALISTS, TREATMENTS TO MY HEALTH PROBLEMS AND EVERYTHING MEDICALLY REQUIRED. IN SUM, DEVINE IS CAUSING INTRACTABLE PAIN, AND PSYCHOLOGICAL, MENTAL, SOCIAL AND EMOTIONAL INJURIES TO ME UNNECESSARILY RESULTING IN INTERFERENCE IN MY DAILY ACTIVITIES. PLEASE SEE ALL THE FACTS STATED HERE.

THOUGH I TAKE PAIN KILLERS EVERY DAY, STILL SMALL MOVEMENT CAUSES A LOT OF PAIN. A COMMON SENSE REQUIRES ~~THAT~~ THE FOLLOWING:
(a) I SHOULD BE SEEN BY SPECIALISTS; (b) I SHOULD BE TREATED FOR EVERY HEALTH PROBLEM I HAVE; AND (c) I SHOULD BE PROVIDED WHATEVER MEDICALLY I NEEDED. ALL DOCTORS EXCEPT DEVINE AGREE WITH ME. FOR THE REASONS STATED HERE, I STRUGGLE FOR SURVIVAL EVERYDAY. MY SICKNESS WORSE EVERYDAY. I HAVE FLU KIND OF SYMPTOMS EVERYDAY. I HAVE CHRONIC CONSTUPATION EVERY DAY. BUT, NO MEDICINE IS GIVEN FOR MAIN CAUSES, THUS, MY SUFFERING AND UNNECESSARY PAIN CONTINUE EVERYDAY. THIS INFLECTED PSYCHOLOGICAL, MENTAL, SOCIAL AND EMOTIONAL INJURIES ALSO. IN JULY, 2021, I AND MY COUSELOR INFORMED DEVINE ABOUT THESE PROBLEMS, AND REQUESTED TRANSFER ON MANY OCCASIONS BY STATING THESE PROBLEMS AGAIN AND AGAIN. BUT, DEVINE REFUSED TO PROVIDE TRANSFER AND MEDICINES. MY FEET, HANDS AND TOUNGE IS GETTING NUMBER ~~AND~~ EVERYDAY. I HAVE A SUBSTANTIAL AND SERIOUS RISK OF DYING ANYDAY. IN SUM, I AM DYING. I DO NOT GET ADEQUATE AND PROPER FOOD, I GET MOSTLY ~~BE~~ BEANS. BUT, I HAVE GAS PROBLEM. FOOD HERE HAS STONES AND MAGGOTS. DUE TO DENTAL PROBLEM, I CAN NOT EAT FOOD MOST OF THE TIME. HERE, WATER IS POLLUTED, THE DORM HAS FLIES AND INSECTS. THE DORM HAS LEAKS ALSO. THE DORM IS TOO HOT IN SUMMER AND TOO COLD IN WINTER. THERE WAS NO HOT WATER FOR MONTHS. THERE WAS AND IS NO LIBRARY HELP AND NO COPYING HELP. I AND OTHER NON-GANG INMATES WERE BEATEN, EXTORTED, ~~AND~~ RAPED AND MISUSED MANY TIMES. IN SUM, PRISONS ARE NOT GOOD PLACES FOR ME AND NON-GANG DISABLE INMATES LIKE ME. THE CONDITIONS ARE SO BAD THAT MANY INMATES ATTEMPT TO COMMIT SUICIDES. IN THE MONTH OF JUNE, 2021, ALONE, INMATE TYLER HENSLEY WAS HOSPITALIZED FOR INJURY CAUSED IN AN ATTEMPT TO COMMIT SUICIDE; 2 INMATES WERE KILLED; AND MANY INMATES WERE STABBED. DEFENDANTS WERE AWARE OF THESE PROBLEMS BUT, STILL REFUSED TO HELP ME. OFFICER TOOK MY PERSONAL PROPERTIES AND DOCUMENTS AGAIN AND AGAIN. PLEASE HELP.

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WITHOUT WARNING AND WITHOUT ALLOWING ANY HEARING, DEFENDANTS TOOK MY CRUCHES AND WHEELCHAIR RESULTING IN INJURIES BY FALLING AGAIN AND AGAIN. THIS ~~HAVE~~ INFLECTED SOCIAL, PSYCHOLOGICAL AND EMOTIONAL INJURIES ALSO. DELANO HAS POLLENS, VERY BAD AIR QUALITY AND VALLEY FEVER. SO, I HAVING BREATHING PROBLEM SHOULD NOT BE IN DELANO. DEFENDANT DEVINE REFUSED TO TRANSFER ME FROM DELANO FOR TREATMENT FOR MY SURVIVAL. CLEARLY, DEFENDANTS VIOLATED THEIR DUTIES, AMERICANS WITH DISABILITY ACT AND REHABILITATION ACT, TOO. DEFENDANT WARDEN KNEW ALL THIS BUT STILL REFUSED TO HELP ME. HE SENT ASSOCIATE WARDEN TO DISCUSS WITH ME. I STILL DO NOT HAVE LIBRARY HELP AND COPYING HELP. NO WRITING MATERIAL IS GIVEN TO US. PRISONS ARE LEAKY, TOO HOT IS SUMMER AND TOO COLD IN WINTER. SO, SICK PEOPLE LIKE ME SHOULD NOT BE IN PRISONS.

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

THE CONDITIONS ARE SO BAD THAT, IN THE MONTH OF JUNE, 2022 ALONE, 2 INMATES WERE KILLED; MANY INMATES WERE STABBED; ~~AND~~ INMATE TYLER HENSLEY WAS HOSPITALIZED FOR HIS INJURIES CAUSED IN AN ATTEMPT TO COMMIT SUICIDE; AND MANY INMATES ATTEMPTED TO COMMIT SUICIDE. I WAS BEATEN, EXTORTED AND MISUSED [INCLUDING SEXUALLY MISUSED] MANY TIMES. ANYONE WHO COMPLAINS WAS SENT TO ISOLATION. IN 2022 ALSO, I SUFFERED FLU, A HEART ATTACK AND COVID-19. DEFENDANTS REFUSED TO FOLLOW LAWS AND REGULATIONS SPECIALLY NEW LAWS [AB 292, ETC.], AND COVID, HEALTH AND OTHER REGULATIONS [I.E. SAFE DISTANCE, HYGEIN, ETC.]. WATCHDOGS CLAIM THAT DEFENDANTS KILLED AND DESTROYED INMATES BY NOT FOLLOWING COVID AND HEALTH REGULATIONS.

DEFENDANTS WERE AND ARE WELL INFORMED ABOUT THE FOLLOWING:

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I STRUGGLE FOR SURVIVAL DUE TO EXTRAORDINARY RAIN, EXTORTION, MISUSE, HEALTH PROBLEMS, MENTAL PROBLEMS, NO SLEEP FOR MORE THAN 2 HOURS AND CROWDED CONDITIONS. CROWDED CONDITIONS CAUSED MORE DISEASES, FIGHTS AND USES OF TEAR GAS. SLEEP ^{FOR} MORE THAN 2 HOURS IS NOT ENOUGH FOR HEALING. ACCORDINGLY, MY HEALTH AND MENTAL PROBLEMS ARE EXPONENTLY MULTIPLYING. I HAVE CHRONIC PHYSICAL AND MENTAL PROBLEMS. MY HANDS, FEET AND TONGUE ARE GETTING MORE NUMB EVERY DAY. I CAN BE PARALYZED AT ANY TIME.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER AN ORDER: (i) FOR DAMAGES IN THE AMOUNT OF \$10,000,000; (ii) ATTORNEY'S FEES AND COSTS; (iii) FOR ISSUING DECLARATORY RELIEF, DECLARING THAT THE ACTS AND OMISSIONS OF DEFENDANTS HAVE VIOLATED PLAINTIFF'S RIGHTS; AND STATING THE DEFENDANTS' DUTIES WITH RESPECT TO THOSE RIGHTS; AND (iv) ANY OTHER RELIEF THIS COURT MAY DEEM JUST AND PROPER

I declare under penalty of perjury that the foregoing is true and correct.

Date: 7/31/22

Signature of Plaintiff: RAGHVEN德拉 SINGH

(Revised 4/4/14)